

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Carol A. Wilson, Administrator, et. al.,

Plaintiff,

v.

Thomas J. Blanton, Jr., et al.,

Defendants.

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Case No. 2:16-cv-390

JUDGE ALGENON L. MARBLEY

Magistrate Judge Kemp

OPINION & ORDER

On January 12, 2017, the United States Magistrate Judge issued a **Report and Recommendation** in this case (Doc. 19), recommending that the application for entry of default against defendant Timothy W. Blanton be denied. (Doc. 18.) The magistrate judge recommended that this Court deny Plaintiffs' motion because Plaintiffs have not alleged facts under which Timothy Blanton can be held liable. In particular, Plaintiffs allege that Blanton Landscaping failed to make contributions to Plaintiffs that it was contractually obligated to make. Blanton Landscaping does not exist as an entity separate from Thomas and Timothy Blanton. Thomas Blanton signed the operative contracts; Timothy did not. In short, Plaintiffs have not shown that Timothy W. Blanton entered into any agreements to contribute to Plaintiffs' funds, and for that reason, the magistrate judge recommends that this Court deny the motion for default judgment against him.

The parties were specifically advised of their right to object to the Report and Recommendation within fourteen days and of the consequences of their failure to do so. No objection has been filed. Since neither party has objected, and the deadline for such objections elapsed on February 13, 2017, this Court **ACCEPTS** the Magistrate Judge's Report and

Recommendation. Plaintiffs' motion for default judgment against Timothy W. Blanton is
DENIED.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: February 16, 2017